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SENATE BILL 21
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 2, relative to enacting "The 2000 Presidential Election Debacle Reform Bill of 2001".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, to assure the election process is fair, just and accurate; and

WHEREAS, to assure election results reflect the will of the people; and

WHEREAS, the state of Tennessee uses various types of voting mechanisms including electronic machines and punch card machines; and

WHEREAS, under certain circumstances machine error may cause a person's vote not to be counted; and

WHEREAS, election officials should act responsibly and ensure votes are properly tallied without fraud, abuse or error; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "The 2000 Presidential Election Debacle Reform Bill of 2001".

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 9, Part 1, is amended by adding the following as a new section:

2-9-1___. The state coordinator of elections and the state election commission shall approve any voting machine before such machine is purchased by a county election commission. Before the 2002 election and at least every seven (7) years the state coordinator of elections and the state election commission shall reexamine all voting machines to ensure such machines still meet criteria set out by the secretary of state state coordinator of elections rules.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 5, Part 2, is amended by adding the following as a new section:

2-5-2___. (a) Election officials in any county where punch card voting systems are used shall inspect punch cards for hanging or swinging chads after the vote has been cast, but before the punch card is placed in the machine to ensure such vote will be counted.

(b) In any county where punch card voting systems are used, voters shall be shown a notice before receiving their ballot. Such notice shall clearly instruct the voter to punch hard enough to remove chads completely from the ballot. Such notice shall also contain a statement that if the voter casts more than one vote in a race their vote will not be counted.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 8, Part 1, is amended by adding the following as a new appropriately designated section:

2-8-1___. In any election held in this state where the person with the most votes and the next closest candidate are within one-half (1/2) of one percent (1%) of the total votes cast in that contest on election day or after the absentee ballots have been counted, there will be an automatic recount of all votes cast in such election. Such recount shall be conducted in accordance with and moderated by the state election commission.

SECTION 5. Tennessee Code Annotated, Section 2-8-101, is amended by adding the following language at the end of subsection (a):

"In the event that an automatic recount is initiated as provided by Section 4 of this act, the deadline for the county election commission to certify results shall be extended at least one (1) week. The deadline may be extended further if deemed necessary by the state election commission."

SECTION 6. Tennessee Code Annotated, Section 2-19-113, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class E felony".

SECTION 7. Tennessee Code Annotated, Section 2-19-114, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class A misdemeanor".

SECTION 8. The state coordinator of elections is authorized to promulgate rules and regulations concerning the proper use of punch card machines to ensure their maximum efficiency. Such rules and regulations shall address the disposal of punch card chads to prevent the machine from clogging and impairing the ability of the voter to cast a vote. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 9. This act shall take effect July 1, 2001, the public welfare requiring it.